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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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| 09/471,153 | 12/23/99 | JONES | 8200.163 |

PM82/0410
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| EXAMINER | |
|-----------|--------------|
| NGUYEN, X | |
| ART UNIT | PAPER NUMBER |
| 3613 | |

DATE MAILED: 04/10/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/471,153

Applicant(s)

JONES ET AL.

Examiner

Lan Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claims ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are objected to by the Examiner.
- 11) ☒ The proposed drawing correction filed on 20 March 2001 is: a) ☒ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 18) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

DETAILED ACTION

Drawings

1. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on 3/20/01 have been approved by the Examiner.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dozier in view of Williams.

Dozier shows a brake assembly as in the present invention comprising: a brake spider 12 non-removably secured to an axle beam 18 in figure 1, column 2, lines 58, wherein spider 12 includes a pivoting end 42 and an actuating end 38 which includes opening 40 for receiving actuating shaft 34, a pair of brake shoes 28, an S-cam 32, and cam followers 36. The operation of the brake assembly is disclosed in column 3, lines 8-22. Dozier does not illustrate the actuator cylinder, an actuating shaft and lever to actuate the cam shaft 34. Dozier discloses in column 3, line 14 that his brake assembly can be actuated by means well known in the art. Williams shows a well-known means of actuating a brake assembly, a pneumatic actuator 36, an actuating shaft 38 and lever

62. Williams further shows a mounting sleeve 32. It would have been obvious to one of ordinary skill in the art to have provided Dozier's brake assembly with a known actuating assembly as taught by Williams in order to perform the intended function of the actuator. It is noted that pneumatic brake actuators are well known in the art to actuate brake shoes as evidenced by Williams.

Re: claims 2-7, Dozier discloses in column 2, line 58 that the spider 12 is welded to axle 18. Figure 1 shows that spider 12 is a one-piece axle spindle and brake spider assembly; where the actuator support plate 38 is axially offset from the pivoting end support plate 42. Williams shows mounting brackets 34, 26 attached to the ends of mounting sleeve 32. Williams further shows bracket 34 to be fastened to pneumatic actuator 36 and bracket 26 to be fastened to the actuating end of spider 12.

Re: claim 8, the above rejection for claims 1-7 meet all the limitations in claim 8.

Response to Arguments

4. Applicant's arguments filed on 3/20/01 have been fully considered but they are not persuasive. The Applicant argues that the combination of Dozier and Williams is improper due to the fact that Williams' actuator is mounted to the back plate and not the spider as in the Applicant's invention. The Examiner would like to point out that Williams was relied upon for the teaching of a means of actuation, specifically pneumatic actuator, as in the present invention, not the concept of mounting the actuator to the spider or the back plate. Dozier alone, not in combination with Williams, discloses that the actuating means is by way of cam shaft 34 which is directly mounted

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on the spider 12. Dozier discloses in column 3, line 14 that his brake assembly can be actuated by means well known in the art but did not specify if the means to be pneumatic or hydraulic or others. Williams shows a well-known means of actuating a brake assembly, a pneumatic actuator 36, an actuating shaft 38 and lever 62. Williams' pneumatic actuating means can be used to actuate shaft 34 of Dozier's assembly. It would have been obvious to one of ordinary skill to have combined a well known means of actuation to actuate Dozier's assembly. Applicant further argues that Dozier's spider and axle are two separate parts welded together and not an integrated one-piece axle spindle and brake spider assembly as claimed by Applicant. The Examiner would like to point out that in figure 1 of Applicant, spider 5 and axle 2 are welded together at joint 4. Further review of Applicant's specification shows no further details or description of what the Applicant defines to be an integrated one-piece spider and axle assembly except for the above mentioned means of integrating by welding. The Examiner believes that Dozier meets the Applicant's definition of an integrated one-piece spider and axle assembly by welding the axle and the spider together. Thus the rejection is deemed to remain proper and is repeated above.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan Nguyen whose telephone number is 703-308-8347.

XLN
April 6, 2001



ROBERT J. OBERLEITNER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600